University of Zurich[UZH]

Zurich Open Repository and Archive
University of Zurich
University Library
Strickhofstrasse 39
CH-8057 Zurich
www.zora.uzh.ch

Year: 2011

Short literature notices

Andorno, Roberto

DOI: https://doi.org/10.1007/s11019-010-9294-8

Posted at the Zurich Open Repository and Archive, University of Zurich
ZORA URL: https://doi.org/10.5167/uzh-155691
Journal Article
Published Version

Originally published at:
Andorno, Roberto (2011). Short literature notices. Medicine, Health Care and Philosophy, 14(1):101-105.
DOI: https://doi.org/10.1007/s11019-010-9294-8

Med Health Care and Philos (2011) 14:101–105
DOI 10.1007/s11019-010-9294-8

Short literature notices

Roberto Andorno

Published online: 26 November 2010
© Springer Science+Business Media B.V. 2010

Steinmann, M., Sýkora, P. & Wiesing, U. (eds.): 2009, *Altruism Reconsidered: Exploring New Approaches to Property in Human Tissue*. Farnham: Ashgate. 324 pages. ISBN 978-0-7546-7270-8. Price: £65.00

Ever since Richard Titmuss published *The Gift Relationship* in 1970, the provision and use of human tissue for biomedical research and therapeutic purposes has been understood along the lines of altruistic donations, but recent developments in biotechnology have challenged the received view. This book discusses the main ethical, legal and social issues involved in this paradigm change in the governance and regulation of health sciences.

In order to describe an act as an altruist donation, there has to be some degree of intention (of benefitting someone), voluntariness (the donation is free), and recognition (so that the receiver or society acknowledge the act as legitimate). The donation of organs used to fit in this scheme, which presupposed that afterwards the donor could not claim economic compensation or any other right over the donated tissue. However, in the last decade a lot of effort has been put into the creation of research biobanks, whose main goal is not to cure particular individuals, but to advance biomedical knowledge. Because this kind of research is expected to be used by the pharmaceutical industry, questions arise about commercialization and benefit-sharing. In addition to that, there are problems with the protection of the autonomy of donors: they might be dead or unable to give informed consent, and also the wide range of future uses that a biobank could serve make it hard to know what the donor is consenting to when the sample is stored. This book strongly suggests that altruist donation and commercialization are not a dichotomy: there is a lot of ground in between these alternatives. One of its main messages is that a promising third-way is to be found in more participatory models of governance, in which samples and information are indeed given, but in a bidirectional movement, in which researchers and donors cooperate in the quest for some common goals.

The 18 essays included in *Altruism Reconsidered* discuss these issues in the light of a few common themes: the importance of human embodiment, the different meanings of the right to property, or the interpretation of a few exemplary cases in law (*Moore vs. University of California*, amongst others). This is especially helpful in a field that has changed a lot in very little time: the word "biobank" appeared for the first time in 1996, but only began to be used as a substitute to "genetic databases" after 2000. Because the book is a result of a research project funded by the European Union, the more detailed chapters deal with the present situation in countries such as the UK, Germany, Spain, or France. Of course, there are other teams working on these themes in Europe and elsewhere, but this book provides a handy one-volume introduction to the quickly changing regulatory framework for human tissue transfer in Europe.

Antonio Casado da Rocha
San Sebastián, Spain

Gaille, M.: 2010, *La valeur de la vie.* Paris: Les Belles Lettres. 177 pages. ISBN 978-2251430218. Price: € 21.00

Marie Gaille is a doctor of philosophy and research fellow at the CERSES (*Centre de recherche sens, éthique, sociéte*) of the University Paris V. In her latest book, she calls into

R. Andorno (✉)
Institute of Biomedical Ethics, University of Zurich, Zurich, Switzerland
e-mail: andorno@ethik.uzh.ch

question the moral legitimacy of the "value of life" assessments, which are often made in the clinical context to take decisions about patients' care, especially at the very beginning (foetuses and newborns) and at the very end (terminal patients). She points out that, although we intuitively tend to reject the idea that some human lives are more valuable than others, the fact is that this idea is implicitly or explicitly present in many decisions taken in the health care context. According to Gaille, "two potential contradictory tendencies are nowadays at work" (p. 40).

What are the criteria used for coming to the conclusion that an individual's life is no more "worth living"? Are those criteria justified on the ground of objective and morally relevant reasons? To attempt to respond to these difficult questions, the author starts with an eminently empirical approach: she meticulously analyzes the various meanings with which both health care professionals and patients use the notion of "the value of life". Gaille distinguishes between the judgement about the value of life for one-self (chapter 4) and the same judgment made about the life of another person (chapter 5). In the first situation, following Canguilhem, she stresses that such a judgement, made by a sick person, embodies a degraded relationship to one's body, which is perceived as a 'stranger'. In the second situation, the medical discourse about the value of a patient's life puts in evidence different and even contradictory visions of personhood and human dignity. For instance, while Peter Singer and Joseph Fletcher claim that personhood (and therefore, the value of a person's life) exclusively depends from the presence of actual rational abilities, Martha Nussbaum argues that personhood should be conceived in broader terms, because a person is not only made of reason, but also of feelings and the ability to be in relationship with others.

The sixth and final chapter offers a careful analysis of the idea of "the value of life" from the perspective of three different philosophers: Kant, Schopenhauer and Nietzsche. In spite of the great differences between them (especially between Kant and the two latter ones), Gaille notes that all the three philosophers agree that the value of the life of a person eludes any possibility of being measured, and that such a judgement is therefore unjustified. On this ground, she suggests that value of life assessments are not absolute, but always relative (to the person who makes the judgement). For that reason, they cannot be used as an argument to support the decision to maintain or to terminate an individual's life. She concludes by emphasizing the need for an open and broad social discussion in order to clarify the criteria for deciding if, and when, life-sustaining measures should be recommended or not.

Roberto Andorno
Zurich, Switzerland

Kettner, M. (ed.): 2009, *Wunscherfüllende Medizin. Ärztliche Behandlung im Dienst von Selbstverwirklichung und Lebensplanung*. Frankfurt: Campus Verlag. 338 pages. ISBN 978-3893388816. Price: € 39.90

This anthology is a collection of essays dealing with various aspects of the phenomenon called „Wunscherfüllende Medizin" (Medicine of Desire) by Matthias Kettner. The term serves to differentiate between traditional medicine (aimed to fight against disease) and an increasingly health-oriented and desire-driven lifestyle-medicine. The book describes this development and the consequences for the future of medical practice from diverging points of views. It keeps a balance between uncritical acceptance and complete rejection of the development. With this aim this book is building upon the discussions at the annual convention of the *Akademie für Ethik in der Medizin* (AEM) 2005 as well as on the special issue of its journal „Ethik in der Medizin" (volume 18, issue 1, 2006).

The strength of the book lies in the variety of questions addressed. After a preface by Kettner the first part *Kulturwandel in der Medizin* (changes in medical culture) serves the description and interpretation of phenomena that may be seen as instances of medicine of desire. Alena Buyx and Peter Hucklenbroich are analysing this tendency in the light of criteria for health and illness and are introducing a recategorization of desire-fullfilling measures into four categories. Iris Junker and Matthias Kettner are examining the consequences for the doctor-patient-relationship. The "code of illness"operating with patients is contrasted with the "code of health" serving clients or customers (p. 58). Paul U. Unschuld is differentiating between therapies that can be supported by scientific therapies and theories („Heilwissenschaft") and all other measures. Dominik Groß is describing desire-fulfilling and wellness aspects of dentistry and their potential implications for the prestige of the field. Thomas Ostermann and Arndt Büssing are presenting an empirical examination as well as a model of prediction („Prädiktionsmodell") for spiritual needs of patients.

The second part of the anthology, *Mitsprachewünsche,* deals with the desire of patients to take part in the decision-making process of their therapies. The contrast between patient wishes and medical indication is called into question by Tanja Krones, who also emphasizes the need for shared decision-making processes on different levels of the healthcare system. In the context of achievement-boosting psychotrophic drugs Matthis Synofzik coins the term „Präferenzmedizin" (p. 178) (medicine of preferences or medicine-on-demand) and argues for a subjective medicine where medical decisions are oriented on patient preferences, but are also guided through information and judgements of the doctors („subjektive Medizin mit

ärztlichem Empfehlungs- und Vetovorbehalt", p. 174). Reinhard Damm diagnoses a loss of meaning of medical indications that goes along with an increase of the importance of patient information and "Informed Consent".

In the third part *Verschönerungswünsche* (desires for beauty) Christa Rohde-Dachser is portraying desires and inner conflicts that may be connected to aesthetic surgery from a psychoanalytic perspective. Arndt T. May is evaluating piercings between the right of self-determination and individual responsibility.

Last, but not least, in the fourth part *Perfektionierungswünsche* (desires for perfection) are being addressed. Phillan Joung examines the moral ambivalence of medicine of desire taking sex selection in South Korea as an example. Markus R. Pawelzik deals with issues in the context of the enhacement of cognitive functions. Bernward Gesang introduces a „Liberalismus mit Auffangnetz" (liberalism with safety net, p. 297) in the context of enhancement. The safety net symbolizes the preference of reversible procedures, the protection of minors as well as for the thorough examination and evaluation of measures before and after their admission. Marcus Düwell also addresses the moral evaluation of medical enhancements and delineates a Kantian alternative to the capabilities approach of Amartya Sen and Martha Nussbaum.

All in all „Wunscherfüllende Medizin" is a very interesting book addressing a phenomenon of increasing importance in medicine. While the book is focussing on the areas of reproductive medicine, aesthetical surgery as well as Neuro-enhancements, an all-encompassing theory of „Wunscherfüllende Medizin" is still a desideratum. The anthology emphasizes the importance of the debates that should be continued in the future.

Lilian Marx-Stölting
Tübingen, Germany

Häyry, M., Takala, T., Herissone-Kelly, P., Arnason, G. (eds.): 2010, *Arguments and Analysis in Bioethics.* Amsterdam: Rodopi. 304 pages. ISBN 978-9042028029. Price: € 64.00

If one considers that the discipline of bioethics is about arguments and analysis in health care and related field of emerging technologies, then what is so new about this volume? Its title might strike the potential reader as little spectacular, rather dry and boring. But that impression is a clear-cut fallacy. This volume is truly clever and tartly written, even insulting from time to time (if you are not prepared for it).

The 21 essays in this volume are provocative, sometimes quite radical and they come with side effects: they might change your world-view. I generally feel I know a lot about bioethics, but having started to read these texts, some of them really made me shiver (and this is a compliment). The novelty of the approach comes with its radicality. If Matti Häyry argues that it is immoral and irrational to have children, you clearly start to shiver. If Søren Holm depicts bioethics as a discipline for the rich and powerful, you start to question the comfortable ways of how we normally practice ethics. And if Simona Giordano answers: "no, they just create fictitious consensus" to the question "do we need (bio)ethical principles?" then you find yourself in the centre of radical thinking. Given the predominance of principles especially in medical ethics Giordano's answer can be seen as a very radical conclusion.

But it is not only radicality that the volume has to offer. It raises critical methodological and conceptual questions, and covers a wide range of topics. It clearly focuses on arguments, it challenges arguments, and it distinguishes between "first and second order" arguments, as Häyry puts it in his introduction. Still, the diversity of topics and issues is amazing, and just to give a few examples: One text examines the pedagogical and argumentative role of 'examples', others explore the distinction between positive and negative eugenics, or touch upon human reproduction, commercial surrogacy and so on—and last but not least—the effect of Prozac on humans' authenticity. So, in total, we have a bouquet of essays that stretch from scepticism to methodological questions, from general concepts to specific perspectives on well-being.

This book continues the tradition of other edited volumes from the same group of authors, bioethicists in and around universities of Central Lancashire, Keele, Lancaster, Liverpool and Manchester; volumes like "Scratching the Surface of Bioethics" (edited by M. Häyry, and T. Takala), "Bioethics and Social Reality" (M. Häyry, T. Takala, and P. Herissone-Kelly) and "Cutting through the Surface" (by T. Takala, P. Herissone-Kelly and S. Holm). The volume here at hand clearly challenges some common assumptions in the field of bioethics. It really cuts through the surface again, this time through the surface of superficial argumentation patterns. I am looking forward to read (and review) the next volume that will philosophically challenge my bioethical worldview again. The list of contributors to this volume includes: Gardar Arnason, Tuija Takala, Sirkku Kristiina Hellsten, Søren Holm, Simona Giordano, Doris Schroeder and Peter Herissone-Kelly, Harry Lesser, Angus Dawson, Cathleen Schulte, Stephen Wilkinson, Niall W. R. Scott, Anna Smajdor, Matti Häyry, Stuart Oultram, John McMillan, Floris Tomasini, Mark Sheehan, Peter Lucas, Lisa Bortolotti, Jane Wilson and Simo Vehmas.

Rouven Porz
Bern, Switzerland

Pijnenburg, M.A.M.: 2010, *Sources of Care: Catholic Healthcare in Modern Culture. An Ethical Study*. Doctoral thesis, Radboud University Nijmegen, The Netherlands. Available online at: http://dare.ubn.kun.nl/dspace/bitstream/2066/74928/1/74928.pdf

What modernity lacks, despite its achievements (liberating secularization, industrialization, rationalization, scientific and technological advancements, economic stability and individualization), is a *substantive collective moral framework*. This is the critical evaluation of modernity made by the Canadian philosopher Charles Taylor, which serves in part as inspiration for Martien Pijnenburg.

In this study, Pijnenburg explores the challenges that Catholic healthcare organizations of North Atlantic countries face in trying to maintain their specific moral identity, and the value that maintaining this identity has for meaningful decision making in all relevant matters of healthcare. The author argues that it is at the level of institutional organizations that the 'malaises of modernity' need to be counteracted. Pijnenburg therefore criticizes Taylor for concentrating his analysis only on morality at the level of culture—moral goods as cultural moral frameworks, and at the level of the individual—moral goods as imbedded in and essential to identity. In organizations such as a Catholic HCO, a moral framework and a moral identity come together in one body. A Catholic HCO is an individual; it has an identity and can be held legally responsible for how it functions. But as a collective structure its identity and the moral philosophy embedded within its functioning also operates as a 'horizon of meaning' for its employees and the various institutions under its umbrella.

In addition, Pijnenburg introduces two valuable debates on morality within Western culture. The first concerns the role of organizations in generating moral dialogue. The second concerns the specific role that a religious framework might have for the existence of moral frameworks.

However, the author's claims have some shortcomings. First, the value of sourcing Taylor's work for his own purposes is lost in various places. Second, this prevents Pijnenburg from making his own arguments distinct enough from Taylor's to allow him to proceed to support them. Third, this has the unfortunate result that his work becomes more normative than that it offers innovated contributions as to how his thesis could be implemented in organizational institutions.

Taylor's argument is that secularization alongside the many other achievements of modernity that have become so valuable to us has resulted in the marginalization of morality as such. Modernity reduces morality to a strictly personal phenomenon. We appear willing to accept one another's different moral judgements and opinions, and to some extend also the fact that we derive our judgements and opinions from different sources of moral motivation, different cultural or religious or philosophical roots, but we have lost the capacity to actually communicate about our morals and their sources. The way in which Pijnenburgs thesis is meant to build upon and extend from Taylor's thesis becomes confused by the frequent recountings of Taylor's thesis. Pijnenburg at times limits his work to showing that this marginalization exists and that it is problematic. If Taylor's thesis is to be accepted, that this is also a problematic fact for HCOs.

Pijnenburg distinguishes two forms of transcendence where Taylor (he claims) fails to do so. We can transcend the individual by connecting to what is morally valuable for individuals beyond (though including) ourselves, and we can connect to a sense of moral value coming from a higher or divine source. Pijnenburg fittingly terms the former 'horizontal transcendence' and the latter 'vertical transcendence'. But it is not self-evident that a vertical transcendence will generate more commitment than a horizontal transcendence, as Pijnenburg seems to suggest. The author claims his analysis of Catholic HCOs to be exemplary for the value of organisations in general in contributing to moral frameworks, but it may be argued that it is institutionalized care, and not organisations as such that has something to offer the revival of moral frameworks in our society.

Joka Feenstra
Nijmegen, The Netherlands

Kemp, P.: 2007, *La mundialización de la ética.* Mexico: Fontamara. 179 pages. ISBN 9789684766419. Price: € 17.00

In this book, the Danish philosopher Peter Kemp, Emeritus Professor of Philosophy at the Danish University of Education, Copenhagen, and former President of the International Federation of Philosophical Societies, has compiled a selection of articles originally published in French and Danish with the specific intention of producing an original volume in Spanish. The translation is by the Mexican philosopher Lizbeth Sagols, an expert in bioethics and environmental ethics.

In this work Kemp invites us to reflect on the idea of ethics based on the "irreplaceable". In his view, contemporary ethics is impossible without this notion, which expresses personal individuality. He links closely the irreplaceable with responsibility. He also proposes a dichotomy between an ethics of proximity and an ethics of distance, where responsibility does not only concern one's neighbor, but also distant men in time and space and thus take seriously the damage that can lead to harm to future generations.

The author expresses his concern about the risk posed by the use of sophisticated technologies to the whole living nature showing the need for national and international agreements to manage these new risks. This concern is not only limited to the ecoethics issues but to social life where the risk of the use of computing resources and telematics points to an automated and depersonalized society. The larger ethical task of today, according to Kemp- is to regulate in a fair and reasonable way the limits of science and technology, in particular, their power over life and communication.

In *La mundialización de la ética,* Kemp says that the ethics that are responsible of contemporary biotechnologies cannot only intervene in the protection of freedom or autonomy. It is then when Kemp links the principle of autonomy with other principles such as dignity, integrity and vulnerability. This latter is understood not only in a biological sense but with a social and cultural connotation, because he considers the principle of autonomy is insufficient in its Kantian version. The author also considers that each principle alone is insufficient to bioethical reflection.

Another central thesis of Kemp is that techno-economical globalization requires a globalization of ethics; i.e. it requires the assertion of universally valid standards whereby the development of planetary technologies that determine the functioning of the global economy will be assessed and judged. He claims that technological and economic globalization is a challenge to ethics and therefore requires a parallel globalization of ethical reflection.

This book represents a significant effort to raise awareness about the current need for ethics. At the same time, it articulates the challenge of determining which formulations of ethics could respond to a technological society with due respect for individuality, legal-social dimension and ecological consciousness, i.e. with the respect that non-human living beings deserve.

Ana Violeta Trevizo
Mexico D.F., Mexico

Sagols, L.: 2006, *Interfaz bioética.* México: Fontamara. 125 pages. ISBN: 9789703237425. Price: Mex$ 110

Bioethics has significantly expanded in the last decades to include a range of issues that are far beyond its initial medical confines. Interdisciplinary methodology is therefore inevitable for adequately dealing with these different contexts and perspectives that are called to interact. Many professionals and public opinion have followed with growing interest the debates about the application of scientific knowledge and new biomedical technologies. The openness and plurality of these debates would also explain why the discipline has drawn the attention of the public, besides the relevance of issues like the right use of new technologies, what we could expect from them, efficient but risky therapies, and some treatments at the end and at the beginning of life, from assisted suicide to stem cells research.

In the book, Professor Sagols defends this open-minded and plural perspective, balancing different points of view in favour and against innovations. Actually, fear is an argument for a specific heuristics that challenges every scientific and clinical practice that could be a risk for human dignity or human nature. Far from appealing to negative arguments, this book rather explores the idea of Bioethics as "interface". In doing so, it suggests that there are controversial and difficult bioethical issues but, at the same time, there are dialogue and a wide interval to build a "third perspective" about these issues (p.15). According to the author, today we have to face and to accept new biotechnologies but we must also establish clear limits to their use. The line of argument of the chapter about eugenics is that agents would do both, putting aside prejudices and taking seriously the possibility to enhance their capabilities (p. 97–114). In the same line of thinking, the author claims that we can accept new possibilities and some kind of enhancement, insofar as individual freedom and justice are preserved. Therapies and possibilities have to be available to everyone; indeed, a fair distribution of them must be guaranteed by institutions. However, fairness is only part of the problem, because there are still many questions raised by biotechnologies and new therapies. What is morally right and wrong? Where are the limits? Life and dignity of human beings are at stake with genetic selection, with research with stem cells, cloning, etc. For that reason, the book not only considers practical but also ontological aspects of bioethics (p. 9–20).

The author assumes that diversity, freedom, time exposure, the possibility of evolving could define human beings. (p. 21–50). On the one hand, dignity and freedom are indissociable with human beings, for they belong to nature and to symbolic order as well. They are individuals with intrinsic value and agents in a wide web of relationships, including relationships with other living beings. On the other hand, Professor Sagols analyzes some dilemmas posed by cloning (p. 79–95) and of stem cells research (51–78). In this way, the author shows that bioethics discourse is a critical one, thanks to deliberation and reasoning. In sum, bioethics goes far beyond "applied Ethics" (p.17), and basic principles like autonomy and justice. At present, it must also include responsibility and precaution, since bioethics is a kind of "interface" looking forward, but only for a "human future" (p.100)

MaríaTeresa López de la Vieja
Salamanca, Spain